

Remarks

Claims 1 and 3-20 remain in this application. Claim 15 is hereby amended.
No new matter is being added.

Allowed Claims

Claims 1 and 3-14 are allowed per the latest office action. Applicant respectfully thanks the Examiner for these allowed claims.

Claim Rejections--Section 101

Claims 15-20 were rejected under 35 USC 101 for the recitation in claim 15 of "A computer-readable medium embodying a compiler" In accordance with the Examiner's suggestion, claim 15 is hereby amended to make clear that a signal on a carrier wave is not being claimed.

Amended claim 15 now recites as follows.

15. A computer-readable medium storing computer-readable instructions and data for compiling a computer program, the computer-readable instructions and data being configured to perform:

a front-end phase for compiling the computer program;

a cross-module analysis phase for compiling the computer program; and

a back-end phase for compiling the computer program;

wherein

the front-end phase invokes the cross-module analysis phase;

the cross-module analysis phase, being configured to process a plurality of modules,

determines whether a callee is to be in-lined into a caller in the back-end phase without in-lining the callee into the caller during the cross-module analysis phase;

provides instructions for the back-end phase to transform in-lining code of the callee;

invokes the back-end phase; and

the back-end phase, being configured to process the plurality of modules individually,

transforms the in-lining code in a module based on the instructions without accessing a different module.

(Emphasis added.)

As shown above, amended claim 15 recites "A computer-readable medium storing computer-readable instructions and data for compiling a computer program...."

Applicants respectfully submit that, because claim 15 recites a **computer-readable medium storing** computer-readable instructions and data for compiling a computer program, claim 15 now recites patentable subject matter. For example, MPEP 2106.01 states as follows. "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized."

Therefore, applicants respectfully submit that claim 15 now overcomes this rejection and is in form for allowance.

Claims 16-20 depend from claim 15. With the subject matter rejection to claim 15 being overcome as discussed above, applicants respectfully submit that claims 16-20 also now overcome this rejection and are in form for allowance.

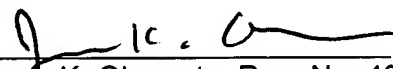
Conclusion

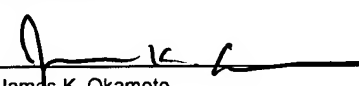
For the above-discussed reasons, applicant respectfully submits that the pending claims are now in form for allowance. Favorable action is respectfully requested.

The Examiner is also invited to call the below-referenced attorney to discuss this case.

Respectfully Submitted,

Dated: April 11, 2008


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